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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,514	11/30/2000	Michael P Hollier	36-1413	5206

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NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER	
NATNAEL, PAULOS M	
ART UNIT	**PAPER NUMBER**
2614	8

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/701,514	HOLLIER, MICHAEL P	
	Examiner	Art Unit	
	Paulos M. Natnael	2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see below*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-10*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

MICHAEL H. LEE
PRIMARY EXAMINER

Applicant's Arguments

Wolf does so by measuring the differences in delay between the audio and the video signal. In other words, should delay experienced b the audio signal be the same as that expreinced by the video there would be perfect synchronizaiton. Unlike the cited Wolf reference, the present claims require the audio and visual elements of the stimulus to be analyzed for the presence of characterstic features indicative of the likely significace of synchronization errors, according to whether the said characterstic features are present...Wolf does not requir such analysis, as it does not attempt to identify any characteristic features indicative of the significance of synchronization errors...An important difference therefore is that in Applicant's invention the synch error is determined and then used to generate a measure of subjective quality which is then modified...Wolf's meausure of synch error is not modified or weighted according to the presence of any feature characterstic of the significance of the synch error measured.

Examiner's Response

Wolf et al. disclose a perception-based audio visual synchronization measurement system that extracts test frame from the actual sourc and destination audio-video signals and comapres them, audio-visual quality parameters are output by the apparatus that are indicatve of the audio visaul quality of the destination audio-visual signal based upon the source audio-visual signal. Further, Wolf et al. disclose that subjective human test panel results are generated for a variety of audio-video test samples and objective test results are also generated by the apparatus. (See Abstract). Furthermore, the Wolf et al references specifically teaches that "the audio-visual synchronization unit 160 in FIG. 7 uses the video delay 15 d.sub.v as output by the video alignment processor 50 and the audio delay 115 d.sub.a as output by the audio alignment processor 150 and produces the audio-visual synchronization 165 s.sub.av. Advantageously, the audio-visual synchronization s.sub.av provides a measure of the perceptual change in audio-visual synchronization from a source of audio-visual information to a destination of audio-visual information via a transmission channel. (col. 1, 32-35, see Figs 2 and 7) Wolf et al. discloses that the audio alignment processor 150 would compute the correct audio delay 115 and the video alignment processor 50 would compute the correct video delay 15. In conditions (1) and (2) above, if both the audio delay and the video delay are measured, then the audio-visual synchronization processor 160 would compute the correct audio-visual synchronization 165. Finally, if one only desires to measure the audio-visual synchronization (and not the audio delay or video delay), then only the relative timing between the audio and video features needs to be preserved. The timing between the source features (7, 108) and the destination features (9, 110) does not have to be preserved. » (col. 14, lines 4-55) As can be seen above, the Wolf et al reference computes sync error between the audio and video, albeit separately, as does the claimed invention. The argument that characteristic features indicative of the significance of synchronization errors are identified first, without specifying what those characterstic features according which the measurement is performed, are. Wolf's audio-visual quality parameters that are output by the apparatus are indicatve of the audio visua quality of the destination audio-visual signal and are equivalent to the claimed, but undefined characteristic features indicative of the syn errors. The argument is thus unpersuasive.